

**Delaware Department of Agriculture**  
**Pesticides Section, Enforcement**  
2320 South DuPont Highway  
Dover, Delaware 19901  
Enforcement Action/Violation

**Respondent:**  
**Simply Green**  
**612 S. Colonial Ave.**  
**Wilmington, DE 19805**

**Violations:**  
§1224(c)(2) – Refusing or neglecting to keep and maintain records required by the LAW, or to make reports when and as required.

**Penalty:**

Respondent signed a consent agreement on August 11<sup>th</sup> 2017. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$525.00.

**STIPULATED FACTS**

1. Simply Green (“Respondent”) is a commercial pesticide applicator business with an office located at 612 S. Colonial Ave., Wilmington, DE 19805. Respondent is licensed (License No. 1449) by the Delaware Department of Agriculture (“the Department”). Randy Collier is the Manager of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 10-250), in Category 7.3, Ornamental and Turf Pest Control (03), Category 7.5.1.3, Mosquito Pest Control.
2. Respondent employs Brandon Johnson as a lawn care technician. Mr. Johnson is a registered service employee for Respondent. Mr. Johnson has been a registered service employee since 5/6/2014.
3. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against Respondent. Stephen McReynolds, (“McReynolds”), is employed as an Environmental Scientist II with the Department.
4. On May 24<sup>th</sup> 2017, McReynolds conducted a routine use observation with Respondent’s employee Brandon Johnson at a home located at 198 Gillespie Ave. Middletown DE 19709. Upon arrival McReynolds asked to see Mr. Johnson’s employee ID card, he did not have the card in his possession at the time of the inspection. Mr. Johnson applied two pesticide products (Barricade 4FL Herbicide EPA Reg. No. 100-1139 and Escalade 2 EPA Reg. No. 228-442) as part of a lawn service. Escalade 2’s label states in part: “All mixers, loaders, applicators and other handlers must wear protective eyewear (face shield, goggles, or safety glasses) and chemical resistant gloves.” Mr. Johnson did not wear protective eyewear while

applying Escalade 2.

5. During the May 24<sup>th</sup> 2017 inspection McReynolds asked Johnson what pesticide products he was applying. Mr. Johnson stated that he was applying TruPower 3 and a pre-emergent herbicide. McReynolds asked to see the product labels. Mr. Johnson did not have copies of the labels at the site of application. Mr. Johnson did not know the dilution rates or the name of the pre-emergent herbicide.
6. Application records photographed at the time of the application recorded the pesticide product being used as “Tru Power 3.” The record did not include the second product being used and also did not record the target pest.
7. *Title 3 Agriculture Delaware Administrative Code 601 Delaware Pesticide Rules and Regulations 4.2.3 states:* The name and address of employees who have been trained according to this Section shall be provided to the Department by the licensee. The Department shall issue a registration card bearing the employee’s name and the licensee’s name, address and license number. The employee registration shall become null and void upon termination of employment with the licensee. **This card is to be carried by the employee during working hours and is to be displayed upon request.**
8. *Title 3 Agriculture Delaware Administrative Code 601 Delaware Pesticide Rules and Regulations 14.1 states:* Commercial Applicators. Commercial applicators shall, for a period of two years from the date of application, keep records detailing the application of any pesticides to include.
  - 14.1.1 The brand name of the pesticide used.
  - 14.1.4 The pest against which the pesticide was used.
  - 14.1.7 In addition to the above record keeping requirements, the applicator shall have available at the site of application, a copy of the label of the pesticide being used. Upon request, the applicator shall provide any interested person at or adjacent to the application site, with any information contained on the pesticide label.
9. Escalade 2 Herbicide, EPA Reg. No. 228-442 is a registered pesticide in the State of Delaware.
10. Barricade 4 FL, EPA Reg. No. 100-1139 is a registered pesticide in the State of Delaware.

In the past 5 years, Respondent has no pesticide compliance violations with the Department.